

2013 Financial Disclosure Statement

Frequently Asked Questions

Local Government Officers

Q. Am I required to file a financial disclosure statement?

- A. If your local government agency has determined that you are a “local government officer,” which is defined in the Local Government Ethics Law, you must annually file a financial disclosure statement. More information concerning which elected and appointed positions may be subject to the annual filing requirement is contained in Local Finance Notice #2013-13. (4/11/13)

Q. Are there any exemptions to the filing requirement if I am determined to be a local government officer?

- A. No, if you are a “local government officer” you must annually satisfy the filing requirement. (4/11/13)

Q. I do not own a computer or other device that would allow me to electronically submit my financial disclosure statement. May I file a paper copy of the form? If not, what should I do?

- A. No, we will not accept paper copies of the financial disclosure statement. We encourage you to use a publicly available computer. For example, virtually all public libraries maintain computers for public use and provide a basic level of staff assistance to persons who are unfamiliar with using computers.

As a local government officer you may have access to a computer at your local government offices (e.g., “town hall”). You should discuss with your municipal clerk, county clerk, or other local government designee whether this is an option for you.

Alternatively, you should consider seeking assistance from family members and friends who own a personal computer.

Also, if you are a senior citizen you should contact your local high school or senior center as many of them have clubs that offer students opportunities to meet with senior citizens and offer assistance in many different areas including basic computer instruction. (4/11/13)

Q. Why is it necessary for me to deliver a signed filing receipt to the municipal clerk (or other local government designee)?

- A. Although it is unlikely that somebody will use your identity to submit a bogus FDS on your behalf, a signed and delivered filing receipt containing the randomly generated authentication code (receipt number) acts as verification that the FDS was submitted by the local government officer having the duty to do so. (4/11/13)

- Q. What happens if I forget to deliver the filing receipt?**
- A. Delivering a filing receipt containing the authentication code (receipt number) and your original signature is an important and necessary step of the online filing process. Your FDS is not deemed FILED unless and until you deliver the filing receipt to the appropriate local government designee. Therefore, even if you verify that your FDS is available on the Division of Local Government's web site, it is not FILED unless and until you deliver the filing receipt. When the local government designee returns a roster to the Local Finance Board that does not contain your authentication code (receipt number), the FDS is not FILED and may be removed from the DLGS web site. In addition, you may be subject to an ethics complaint and statutory penalties. (4/11/13)
- Q. When I submitted my FDS online, I voluntarily included the e-mail address that I use as an LGO. I received an e-mail reply stating that my FDS was submitted. Am I still required to deliver the filing receipt to my local government designee?**
- A. Yes. The e-mail reply is merely a courtesy message indicating that the system has received your FDS online. It is important to remember that the filing receipt, which can be found at the bottom of the fillable FDS form (in other words, scroll down to the bottom of the form) is the document that you must sign and deliver to your local government designee. (4/11/13)
- Q. After I submitted my FDS online I inadvertently used the "back button" and my data was erased from my form. Thus, I was unable to print the filing receipt. What should I do?**
- A. Provided that you observed the Thank You page on your screen after you hit "Submit" your FDS has been submitted. Wait a few days to one week and then look for your FDS online at our web site. You can print a copy of your FDS, including the filing receipt, from the report page that will be posted and updated weekly. If this occurs close to the filing deadline, alert your municipal clerk, county clerk, or other local government designee. (4/15/13)
- Q. The FDS provides buttons to check "Self" or "Spouse" but I cannot fill both buttons at the same time to report real property that is jointly owned with my spouse. How should I resolve this?**
- A. Use separate lines to report the same real property. Use one line to report your ownership interest and the second line to report your spouse's ownership interest in the same property. (4/15/13)

Municipal Clerks, County Clerks, and Other Local Government Designees

- Q. In past years, I considered it my job to track the filing status of LGOs and send them reminder notices. The new procedure seems to be a change from the past practice.**

A. Yes. Local government designees are commended for their prior efforts to ensure that LGOs comply with their obligation to file an annual FDS form. However, Local Finance Notice #2013-13 clarifies that the duty to file an FDS is the personal obligation of each and every LGO. You are certainly welcome to be more involved in the process, especially if any of your LGOs are unfamiliar with computers, but it is only expected that you will fulfill the requirements set forth in LFN #2013-13. (4/11/13)

Q. Do I have to retain the filing receipts that LGOs are now required to deliver in lieu of paper copies of the FDS?

A. Yes. You are required to retain the filing receipts for a records retention period of five (5) years in accordance with an approved amendment to Record Series #0001-0005, Local Government Ethics Law Financial Disclosure Statements, Agency #SS220303. (4/11/13)

Q. I prefer to maintain paper copies of the FDS forms. Am I prohibited under the new filing procedure from maintaining paper or electronic copies of the forms?

A. No. Such a practice is considered by DLGS to be a local determination. The FDS forms will be uploaded to the DLGS web site and you are free to print or download them from that source. However, in the interest of not confusing LGOs concerning the online filing process, you should not request LGOs to file paper or electronic copies with your office. Be mindful that the only FDS forms considered FILED are those forms that are submitted online which have a corresponding signed filing receipt. Also, bear in mind that if you choose to maintain copies of the FDS forms you will have the responsibility under the OPRA for disclosure of FDS forms. (4/11/13)

Q. How should I respond to an Open Public Records Act request seeking a copy of an LGO's FDS form?

A. It is our intention for you to refer people who make such requests to the DLGS web site. Hopefully, most people will follow your instructions and be satisfied that you have complied with their request. For various reasons, however, some people may not want to retrieve an electronic version of an FDS form. In such cases you should refer them to the Local Finance Board. (4/11/13)

Q. Is the filing receipt a public record?

A. Yes. In the event that you receive a specific request under OPRA for a copy of any LGO's signed filing receipt you are required to satisfy such requests as the agency maintaining those records. (4/11/13)

Q. Should I redact the authentication code (receipt number) contained in the filing receipt before releasing the record pursuant to any requests made under the OPRA?

A. No. Each authentication code is randomly generated. Local government officers who file FDS forms in multiple years will be issued a different authentication code. (4/11/13)

Q. Local Finance Notice #2013-13 states that I must determine a local government e-mail address and provide that e-mail address to my agency's LGOs. Does this mean that I must create a separate e-mail address for each LGO?

- A. No. The local government e-mail address is a single e-mail address that you will provide to all of your agency's LGOs. You may create a new e-mail address for that purpose or use an existing e-mail address. The e-mail address will be used by DLGS to send you an initial electronic report so that you can maintain a general awareness that your LGOs are successfully using the online process to submit their FDS forms. (4/11/13)
- Q. **In cases where an LGO does not deliver to me a signed filing receipt, when completing the agency's roster can I use the receipt number (a/k/a authentication code) contained in the initial electronic report that is e-mailed by DLGS to the local government e-mail address?**
- A. No. An LGO's financial disclosure statement is not deemed FILED unless and until the LGO delivers to you an original signed filing receipt. This is an important part of the process and helps ensure the integrity of the online filing process. (4/11/13)
- Q. **What is the deadline to file the agency roster?**
- A. For 2013 rosters must be filed with the Local Finance Board on or before June 28, 2013. Additional instructions concerning filing rosters will be released in a future local finance notice in May. (4/11/13)

Citizens

- Q. **I would like to request a copy of a local government officer's 2013 financial disclosure statement. How do I obtain a copy?**
- A. Starting in 2013 all financial disclosure statements will be filed online and uploaded to a searchable database maintained by the Local Finance Board. You will be able to search the database after May 31, 2013, by an official's name and/or agency using tools available on the Division of Local Government's web site.
<http://www.nj.gov/dca/divisions/dlgs/> If you retrieve FDS forms using the online tool it will be unnecessary for you to submit an Open Public Records Act request. (4/11/13)
- Q. **I don't own a computer and would like a paper copy of a local government officer's 2013 financial disclosure statement? How do I obtain a paper copy of the form?**
- A. You must submit a request to the Local Finance Board that conforms to the requirements of the Open Public Records Act. For more information concerning access to public records click this link: <http://www.state.nj.us/grc/> (4/11/13)
- Q. **How do I get answers to other questions that I may have?**
- A. Please e-mail us at dlgs@dca.state.nj.us or call (609) 292-0479. If no one is available to answer your call, please leave a message on the answering machine. Due to the heavy volume of inquiries, we may be unable to immediately answer all calls; however, staff will return calls as soon as possible. (4/11/13)